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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GREENHUT, CHARLES N

ART UNIT PAPER NUMBER

3652

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,702

Applicant(s)

THOMPSON, CARROLL R.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

I. Minor Informalities

1. Paragraph [0007] and [0013] incorrectly reference US patent 4,054,310 to Coopersmith.

Appropriate correction is required.

II. Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. Claim 23 recites the limitation "the trough" in line 3. There is insufficient antecedent basis for this limitation in the claim.

III. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 5, 14-18, 20-24, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by PIETRAS (US 6,695,559; PCT WO99/41485).

1.1. With respect to claim 1, PIETRAS discloses an apparatus for handling a tubular (13), the apparatus being coupled to a tubular transport tool (1), comprising at least one arm (13) actuatable to limit movement of the tubular as the tubular is removed from the transport tool (Col. 2 Li. 40-43).

- 1.2. With respect to claim 2, PIETRAS discloses an apparatus for handling a tubular, the apparatus being coupled to a tubular transport tool, comprising at least one arm having a first and second end, the first end being coupled to the tubular transport tool (Col. 2 Li. 40), the second end actuatable to limit movement of the tubular relative to the transport tool (Col. 1 Li. 22).
- 1.3. With respect to claim 5, PIETRAS discloses all elements of claim 2 and additionally discloses a stop member (19) for contacting the tubular.
- 1.4. With respect to claim 14, PIETRAS discloses providing a tubular transport having a tubular handling apparatus transporting a tubular to a position proximate the wellbore (Fig. 1), raising the first end of the tubular relative to the wellbore (Fig. 7), limiting movement of the second end using the tubular handling apparatus (Fig. 8), and positioning the second end above the wellbore using the tubular transport tool (Fig. 9).
- 1.5. With respect to claim 15, PIETRAS discloses all elements of claim 14 and additionally discloses the tubular handling apparatus coupled to the tubular transport tool.
- 1.6. With respect to claim 16, PIETRAS discloses all elements of claim 14 and additionally discloses actuating the tubular handling apparatus to contact the second end of the tubular as the tubular is raised.
- 1.7. With respect to claim 17, PIETRAS discloses all elements of claim 14 and additionally discloses providing the tubular handling apparatus with an arm for contacting the tubular.
- 1.8. With respect to claim 18, PIETRAS discloses all elements of claim 17 and additionally discloses raising the arm to contact the tubular, thereby limiting movement of the second end.

- 1.9. With respect to claim 20, PIETRAS discloses all elements of claim 14 and additionally discloses retaining the first end of the tubular with an elevator (6).
- 1.10. With respect to claim 21, PIETRAS discloses all elements of claim 14 and additionally discloses positioning the second end over the wellbore using the tubular handling apparatus.
- 1.11. With respect to claim 22, PIETRAS discloses a carriage (4) and a tubular handling tool for limiting the movement of the tubular as the tubular is removed from the carriage.
- 1.12. With respect to claim 23, PIETRAS discloses all elements of claim 22. PIETRAS additionally discloses the tubular handling tool having at least one arm, the arm having a first and second end, a first end being operatively coupled to a trough (Col. 2 Li. 20) and the second end actuatable to contact the tubular.
- 1.13. With respect to claim 24, PIETRAS discloses all elements of claim 22 and additionally discloses the tubular handling tool pivotable relative to the carriage.
- 1.14. With respect to claim 28, PIETRAS discloses all elements of claim 22 and additionally discloses a ramp (3).
- 1.15. With respect to claim 29, PIETRAS discloses all elements of claim 22 and additionally discloses a moving means (16).
- 1.16. With respect to claim 30, PIETRAS discloses all elements of claim 29 and additionally discloses a ramp.

IV. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3, 4, 6-13, 19, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over PIETRAS in view of BURNS (US 5,609,457).

- 1.1. With respect to claim 3, PIETRAS teaches all elements of claim 2. PIETRAS fails to teach one arm coupled to a body, the body movably coupled to the transport tool. BURNS teaches one arm coupled to a body, the body having a movable connection (Fig. 3). It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the movable body of BURNS in order to facilitate alignment of the tubular with the wellbore.

- 1.2. With respect to claim 4, PIETRAS in view of BURNS teaches all elements of claim 3. PIETRAS fails to teach the tubular retained between the body and at least one arm. BURNS teaches the tubular retained between the body and at least one arm. It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the tubular retained between the body and at least one arm of BURNS in order to secure the lower portion of the tubular.

- 1.3. With respect to claim 6, PIETRAS teaches all elements of claim 5. PIETRAS fails to teach two arms and the stop member adapted to retain the tubular between the two arms. BURNS teaches two arms and the stop member (58) adapted to retain the tubular between the two arms. It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the two arms and stop member of BURNS in order to ensure the tubular is not accidentally released.

- 1.4. With respect to claim 7, PIETRAS teaches all elements of claim 2. PIETRAS fails to teach two arms to control movement of the tubular. BURNS teaches two arms to control movement of the tubular (53). It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the two arms of BURNS in order to provide an easily releasable securing means for the tubular.
- 1.5. With respect to claim 8, PIETRAS in view of BURNS teaches all elements of claim 7. PIETRAS fails to teach the arms actuatable between an open and a closed position. BURNS teaches the arms actuatable between an open and a closed position (Fig. 7). It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the actuatable arms of BURNS in order to selectively cause the retention or release of the tubular.
- 1.6. With respect to claim 9, PIETRAS in view of BURNS teaches all elements of claim 8. PIETRAS fails to teach the stop members adapted to retain the tubular between the two arms when the two arms are in the closed position. BURNS teaches the stop members adapted to retain the tubular between the two arms when the two arms are in the closed position. It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the stop members of BURNS in order to ensure the tubular is not accidentally released.
- 1.7. With respect to claim 10, PIETRAS in view of BURNS teaches all elements of claim 9. PIETRAS fails to teach each arm having a stop member. BURNS teaches each arm having a stop member. It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the stop members of BURNS in order to ensure the tubular is not accidentally released.

1.8. With respect to claim 11, PIETRAS in view of BURNS teaches all elements of claim 7.

PIETRAS additionally teaches an arm actuatable between a raised and lowered position.

1.9. With respect to claim 12, PIETRAS in view of BURNS teaches all elements of claim

11. PIETRAS additionally teaches an arm adapted to control the movement of the tubular when in the raised position.

1.10. With respect to claim 13, PIETRAS in view of BURNS teaches all elements of claim

12. PIETRAS fails to teach the arm is movable in at least two planes. BURNS teaches the arm is movable in at least two planes (33), (50).

1.11. With respect to claim 19, PIETRAS teaches all elements of claim 14. PIETRAS fails

to teach the tubular disposed between two arms. BURNS teaches the tubular disposed between two arms. It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the two arms of BURNS in order to provide an easily releasable securing means for the tubular.

1.12. With respect to claim 25, PIETRAS teaches all elements of claim 22. PIETRAS fails

to teach two arms adapted to retain the tubular. BURNS teaches two arms adapted to retain the tubular. It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the two arms of BURNS in order to provide an easily releasable securing means for the tubular.

1.13. With respect to claim 26, PIETRAS in view of BURNS teaches all elements of claim

22. PIETRAS fails to teach two actuatable arms to contact the tubular. BURNS teaches two actuatable arms to contact the tubular. It would have been obvious to one

of ordinary skill in the art to modify PIETRAS with the two arms of BURNS in order to selectively cause the retention or release of the tubular.

1.14. With respect to claim 27, PIETRAS in view of BURNS teaches all elements of claim 26. PIETRAS fails to teach the arms movable between an open and a closed position. BURNS teaches the arms movable between an open and a closed position. It would have been obvious to one of ordinary skill in the art to modify PIETRAS with the movable arms of BURNS in order to selectively cause the retention or release of the tubular.

2. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over PIETRAS.

2.1. PIETRAS teaches all elements of claim 31 and additionally teaches a trough for supporting the tubular.

V. Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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